

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

**DANIEL M. SUNDBECK AND
LUCY SUNDBECK**

PLAINTIFFS

VS.

NO. 1:10CV23-A-D

MILTON O. SUNDBECK, JR.

DEFENDANT

ORDER

Counsel for the Defendant has announced to the Court that Dr. Marianne Barnes will not be tendered as an expert witness at trial. Consequently, Plaintiffs' Motion to Strike the Designation of Dr. Marianne Barnes and Exclude Her Testimony and Request for Oral Argument Pursuant to Local Rule 7(b)(6)(A) [71] is hereby terminated as moot.

SO ORDERED THIS, the _30th___ day of September, 2011.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE